PROB 12C (7/93)

## **United States District Court**

Report Date: June 26, 2012 FILED IN THE U.S. DISTRICT COURT EASTERN DISTRICT OF WASHINGTON

for the

JUN 27 2012

# **Eastern District of Washington**

JAMES R. LARSEN, CLERK SPOKANE, WASHINGTON

# Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Rosario Ruiz-Flores

Case Number: 2:08CR02099-001

Address of Offender: Incarcerated at Imperial County Jail, 3248 Applestill Road, El Centro, California

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: 5/18/2009

Original Offense:

Alien in United States After Deportation, 8 U.S.C. § 1326

Original Sentence:

Prison - 41 Months; TSR - 36

Type of Supervision: Supervised Release

Months

Asst. U.S. Attorney:

**TBD** 

Date Supervision Commenced: 9/1/2011

Defense Attorney:

**TBD** 

Date Supervision Expires: 8/31/2014

### PETITIONING THE COURT

#### To issue a warrant.

The probation officer believes that the offender has violated the following condition(s) of supervision:

#### Violation Number

## Nature of Noncompliance

1 Mandatory Condition #2: The defendant shall not commit another Federal, state, or local crime.

> Supporting Evidence: On June 18, 2012, a criminal complaint was filed with the United States District Court in the Southern District of California, charging the defendant with Alien in the United States After Deportation, in violation of 8 U.S.C. § 1326(a), enhanced by (b)(1) (Re-entry After Deportation), docket number 5:12-mj-15306. The defendant made an initial appearance before the Court on June 18, 2012. He was detained pending further Court proceedings. A detention hearing was held on June 21, 2012, and the defendant was detained.

> According to the criminal complaint, on June 16, 2012, the defendant was encountered by a boarder patrol agent near Andrade, California. Through questioning, the agent learned the defendant was a citizen of Mexico and was not in possession of valid documents allowing him to enter or remain in the United States.

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Special Condition #14: You are prohibited from returning to the United States without advance legal permission from the United States Attorney General or his designee. Should you reenter the United States, you are required to report to the probation office within 72 hours of reentry.

<u>Supporting Evidence</u>: The defendant illegally reentered the United States without permission on or about June 16, 2012.

According to the United States Immigration and Customs Enforcement (ICE), the defendant was deported to Mexico on or about September 26, 2011, at New Orleans, Louisiana, and has not obtained legal permission to reenter the United States.

On or about June 16, 2012, a boarder patrol agent encountered the defendant near Andrade, California. Through questioning, the agent learned the defendant was a citizen of Mexico, and was not in possession of valid documents allowing him to enter or remain in the United States.

Through questioning the defendant and through record checks, agents determined that on about September 26, 2011, the defendant had been removed from the United States through the port of New Orleans, Louisiana, subsequent to a conviction in the United States District Court, Eastern District of Washington, on or about May 18, 2009, for the crime of alien in United States after deportation, a felony.

Agents determined that on or about June 16, 2012, the defendant reentered the United States without the Secretary of the Department of Homeland Security having consented to reapplication by the defendant for admission into the United States.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 06/26/2012

s/Stephen Krous

Stephen Krous

U.S. Probation Officer

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THE COURT ORDERS

[ ] No Action[ ] The Issuance of a Warrant[ ] Other

Signature of Judicial Officer

6/27/12

Date